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The Opinion

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THE OPINION

Volume 13, Number 6

State University of New York at Buffalo Law School

February 1, 1973

Students vie for SBA Office?



-bellini

The Student Bar Association announced forthcoming elections last week with a remarkable lack of customary publicity and hoopla. Buried amid PLI/Marino crossfire and class assignments, the notice that candidates had one week in which to file petitions sat beneath a short directive regarding fee waiver requests. Presumably,

those students who make no such request did not read farther.

Whatever the reason, petitions for the five elected SBA offices numbered three as of Monday's 5:00 p.m. deadline. Marty Miller and Neal Dobshinsky have declared themselves in the running for the post of President, and Chris Greene is the sole contender for First Vice President. All are juniors. Miller, currently a junior class representative to the SBA, was an unsuccessful contender for treasurer in last Spring's elections. He is chiefly known for Nickle Coffee, a lounge phenomenon last year which was terminated when someone stole the coffeemaker. Dobshinsky, who does not currently hold office, proposes a program including reduction in fees, return to an A to F grading system, and a revitalized SBA

with a more prominent public image. Greene, who picked up his petition on January 29, the last day for filing, has espoused no program to date.

In order to combat the lack of response, President John Hayden has put up prominent notices extending the filing date for the offices of Secretary, Treasurer, and Second Vice President until Friday, February 2. With the elections still slated for Monday, February 5, there will be little time for electioneering, which some students have called a blessing. While it is not known whether students will respond to the renewed opportunity to run, the initial lack of interest in an SBA position seems to indicate students' preference for other activities. One student remarked, "When I could spend twenty

hours a week clerking in a law office or related field, why should I get involved in bureaucratic hassles for nothing? I don't need it."

Some students seem to feel that the SBA should be abolished altogether. Citing inefficiency, a lack of programs and progress, they claim that the law school community would be better off without the responsibility of self-government. The only parties who seem to be interested in the SBA are those student organizations who depend upon it for their funding, but they have not produced candidates for office. The exception is Chris Greene, business manager of *The Opinion* who is the sole candidate for First Vice President. Other potential candidates who are active in other student



-bellini

organizations have failed to run, citing the large investment of time in such a venture, and the minimal return.

No alleviation of the problems besetting SBA candidates, officers, and constituents appears imminent. The February 5 elections are still scheduled, despite the paucity of candidates. The gnawing question is, will anyone vote?

Conversation with "Red" Schwartz

Opinion: First of all, I would like to ask you about the accreditation team — what they said and what your response was.

Schwartz: I would like to say that they were very enthusiastic. They felt that the conditions that were necessary for a major move forward were virtually all present, including particularly the quality of the faculty who were already here and the new people who were coming in. They noted as well the interest of the people around the country in joining us.

Opinion: How do you feel about the prospects for change in legal education?

Schwartz: It seems to be entering a stage of major innovation. We can see that from the literature such as the Packer and Erlich book that has just come out. The question is, given acceptance of the necessity of change, how shall we shape our program in such a way as to preserve the traditional values — learning to think like a lawyer, mastering the basic subject matter — that law schools have taught so well in the past, and at the same time find ways in which we can add the things which previously have been neglected? This law school has a commitment to do both — to start from a strong professional program and strengthen it further and then to move in a direction which will provide us with better preparation for a variety of skills that people need as lawyers. But to provide training in lawyers' skills so that they can be related to conceptual analysis — that is the tough problem.

Opinion: Specifically, where can we improve?

Schwartz: We should provide much more in the way of legal writing and reasoning skills. The legal bibliography program has not been satisfactory, nor has the second semester (freshman) seminar been an adequate way, uniformly at least, of providing legal research skills. I think we are going to have to find some way of making those skills available to students at an earlier stage in their training and with greater intensity and in a manner that involves the faculty to a greater extent. . . . There seems to me a very strong sentiment in the school, in the faculty as well as in the students, for some better way of getting across these fundamental skills.

Opinion: In a recent article in the Buffalo Evening News regarding the visit of the American Bar Association accrediting team, you stated that our school will be growing in size, that we will increase the size of the freshman class from 200 to 275 and eventually add 25 new faculty positions, including 10 professors from "other related" disciplines. By taking on 10 non-law professors, aren't we taking a step in a very innovative direction?

Schwartz: Just a clarification here, which may be an important one. Those ten new appointments are specifically intended to bring into the Faculty of Law and Jurisprudence knowledge of other disciplines. That does not mean that the persons who embody those skills will necessarily not have legal skills. In fact, we have been assiduously looking for and finding, in a number of cases, faculty members who are double-disciplined people.

Opinion: For example?

Schwartz: For example, a law trained person who teaches evidence in a manner that is informed by his professional knowledge of psychology.

Opinion: In other words, many new professors might have their law degrees, but the point is they will have some further area of specialization in some social science, such as sociology?

Schwartz: Or in philosophy, or history, or it could be any of the other disciplines.

Opinion: Are you finding a lot of people like that?

Schwartz: Increasing numbers are being trained now. That is one of the reasons that we have a particular interest in a joint degree program here, because we know that there are lots of students who want law training but who also want training in another discipline.

Opinion: Would it be safe to say that you will be looking for professors who have this orientation, even though they teach traditional courses?

Schwartz: Especially if they teach traditional courses, because we think it is very important to find ways in which you can introduce within subject matter areas

conceptions of this kind, in a way that is not artificial and not digressive but rather that is synthesized with the kind of thing that a traditional course would set out to do. A classic example of that would be [Professor] Macauley. . . . He provides a preparation in the basic concepts of contract law. At the same time, it happens that Macauley is one of the top people in the country in research on how the legal process is actively used. His findings regarding utilization and non-utilization of contract law by certain classes of businessmen are classic. That's the kind of thing we want to get into our curriculum, at all levels where it can be done well.

Opinion: There are some students who seem to be concerned that we will have too many professors who teach what some consider the less "relevant" social science or sociological courses at the expense of the more traditional curriculum. What do you say to these people?

Schwartz: Well, I have to ask them for particulars on that. What we have tried to do is ask specifically what things are not being covered satisfactorily. If we can show that everything that needs to be covered from the perspective of the most traditional conception of law training is being covered, then we feel that there is not much of a basis for complaint. We would think it a serious problem if we were not able to cover satisfactorily the traditional courses. My feeling is that, in fact, through our unusual emphasis, through the distinctiveness of the program that we are developing here, we have become a school to which young law teachers wish to come. In consequence, I think if you looked at the quality of the people who are willing to consider jobs here, or who even campaign for jobs here, that you would be very impressed. . . . One of the reasons that the faculty is going for people who have the same kind of interest in the other disciplines, and competence in them, is because by conventional criteria as lawyers, those people turn out to be at least as good, and often better, than more conventional people.

Opinion: Before our time is up, let me

change the subject a bit. What's it going to be like on the new campus, being the first ones out there. What is the environment going to be like, and what's it going to mean for clerkships?

Schwartz: I think it can be a great experience for us. We are aware of some of the liabilities that could result from our being out there and we are looking to obtain the resources that are necessary for quick transportation back and forth. We're also exploring changes in curricula arrangements of a kind that would facilitate the student undertaking a clerkship or what is the equivalent of what he has been able to do in the past here. On the advantage side, we're going to have our books together in one library. We hope that we will not be the only academic unit out there so that it may be a better experience than a lot of people apprehend at this point.

Opinion: Aren't you really discouraging clerkships by moving to Amherst? What is your position on clerkships?

Schwartz: You mean paid, not-for-credit kinds of activities?

Opinion: Yes.

Schwartz: No, I certainly wouldn't intend to discourage that. In fact, changes in the program by scheduling most courses in the morning should facilitate people continuing their clerkships. I think it's a very valuable experience. It certainly can continue to be done during the summer and I would hope during the year as well. And further we would hope that the experimental program of for-credit clerkships would continue and develop.

Opinion: Thank you very much for your time. I hope you don't mind sharing your comments with our readers?

Schwartz: That's OK with me, provided it's understood that this is not intended as any kind of policy statement, but merely a set of reflections in mid-course. Policy is made in this Faculty after a great deal of deliberation and discussion, and I hope that no one would misunderstand what has been said here as constituting anything more than the expression of opinion. . . . appropriate for your paper.



-fried

Editorial

VANISHING BOOKS —

Elsewhere in this issue is a picture of books taken from the library, stacked up on a chair in one of the student offices, and accompanied by a signed note, asking that the books be left until their "owner" returned. Those books remained in that office for over a week. Until that student got around to using them for his paper. Or whatever.

Members of several seminars found it impossible to acquire the publications necessary for their paper research. Because the seminar topics were often on related subjects, the removal of a book by one member for any length of time deprived other members of valuable time in working on their papers.

Could it be that the advent of the big-time rip-off artists signals the coming of big-time status for the UB Law School? Will the competitive spirit exhibited by these people move us into the big leagues? This kind of thievery, after all, is rampant at Harvard, and presumably, other schools who have "made it."

We can hope that the library's security will be tighter when we move to the New Campus.

GRADES —

Accolades to Professors Del Cotto and Davidson for being the first to get their grades in. (Although with Del Cotto you wondered whether they were the one in three that was the first to flunk.)

Let us remind the faculty that the deadline for graduating seniors was last Thursday, and for other students, February 12. We point out that some people are now taking follow-up courses to last semester's required courses without having any idea whether they passed those required courses.

And, in case professors have forgotten from their own law school days, waiting for exam grades is rather a miserable state. Especially for freshmen, who really have no idea whether they're making the grade or not, having no previous experience in the matter.



by Otto Matsch

KUDOS

Yes folks, it's that time of year again when we pause to pay tribute to our fellow spokes on the great wheel of life who have performed above and beyond the Call of the Rim during the past revolution of the Zodiac. The Right On! Awards for 1972 go to:

The Joseph Stalin Culture Prize — to those poetic gentlemen Leonid Brezhnev and Alexi Kosygin, Moscow — for their support of the fine arts in Siberia and insane asylums, and in particular for their commendable quashing of the crypto-fascists Aleksandr Solzhenitsyn, Boris Pasternak (RIP), Yuli Daniel, Yuri Galanskov (RIP) and others too numerous to mention, thus preventing the pollution of socialism by art.

The High Priestess of Sexist Chauvinism Prize — to Germaine Greer, Delphi — for her pioneering work in deciphering the mysterious code hidden in llama entrails and goats' droppings, resulting in her ingenious deduction that any heterosexual relationship between consenting adults constitutes rape unless until said parties obtain advance written permission from the High Priestess.

The Adolf Hitler Black Culture Prize — to General Idi Amin, Uganda — for his praise and admiration of Hitler's solution to the Jewish problem, for his recognition of the racial threat from the mongrel Asian hordes to the pure genes of the Ugandan Volk, and for his liberal and enlightened solution to the Asian Problem.

The Paul Joseph Goebbels Freedom of the Press Prize — to the United Nations, Fun City — for its outstanding work on behalf of freedom of the press and communications, specifically for adopting (107-2) without debate a resolution calling for the banning of satellite broadcasts into nations that don't approve of uncensored programs; and, under the one nation-one whoope rule, for shouting down the devilish delegates of the reactionary, colonialist regimes that called for debate.

The Billy Sol Estes Green Thumb Prize — to the Kremlin, Moscow — for sticking by their policy of collectivizing the farms in Russia despite 55 consecutive years of crop failures, draught and poor weather (except over 3% of the land that is privately owned and tilled, where the sun shone and the rain fell as normal, and 40% of the crops were raised), the

rulers of the Workers' Paradise knowing a viable policy when they see it, unlike those dumb farmers who don't know anything except how to grow crops. **The Doctor "Papa Doc" Duvalier Medicine Prize** — to Edward Kennedy, Massachusetts — for his tireless efforts toward bringing socialized medicine to America so that Americans can enjoy the same high standards of medicine practiced in other socialist countries, e.g., Albania, and Uganda, and for openers, at an annual cost to the taxpayer of only \$70 billion.

The Attila the Hun Peace Prize — to Premier Pham Van Dong, General Vo Nguyen Giap, et al, Hanoi — for their valiant efforts in bringing peace to Indochina by sending their peace-troops into Laos and Cambodia in furtherance of the civil-peace effort in Vietnam and especially for Operation Peace beginning in March 1972, when they sent 14 infantry divisions accompanied by self-propelled artillery, SAM launchers and 600 tanks into South Vietnam in a final effort to make the South Vietnamese people peaceful, but peacefully, mind you.

The Benedict Arnold Patriotism Prize — to Americans (?) Joan Baez, Ramsey Clark, Jane Fonda, Tom Hayden, Telford Taylor and sundry comrades and fellow travelers to Hanoi — for their gallant contributions to the Hanoi liberation government that is trying to bring peace to their warlike neighbors, the Laotians, the Cambodians and the South Vietnamese, in the same peaceful manner Hitler and Stalin used to bring peace to their neighbors.

The Christopher Columbus Prophet of the Year Prize — to the Boston to Washington axis of the Liberal Establishment, Media Department — for their unanimous, one-voiced and unerringly accurate prognostications during 1972: that Ed "Crocodile Tears" Muskie, the front runner would carry the Democrats to victory; that the mining of Haiphong Harbor would cause the cancellation of Nixon's trip to Moscow and start another war; that the 18 to 21 year old voters would swamp the polling booths and carry Whatsname to victory; that photos from Apollo XVII would confirm what every viable, relevant newsmen already knows — that the world is flat.

Presidents Corner

With Student Bar elections only a matter of days away I have no doubt but that you are all well steeped in what each of the candidates views as the failings of the present officers and directors. Bright posters will point the way to Nirvana and in contrasting colors will announce the choice of the people. One can only hope that the candidates are as sincere as they are artistic.

Presumably the first topic of the year will be the question of what sort of a grading system ought to be used here. This is clearly the most important and potentially fiery issue facing the SBA in several years. Fortunately there are as yet no sharp divisions which will impede some serious discussion between faculty and students. We each seem to be waiting for some proposal to react to, and the delay may well be fatal to the question.

Preliminary discussions among student and SBA directors have narrowed the field of choices for discussion at this point (though others may well arise or develop from these). In general the alternatives are thought of pass-fail, retention of the present system, and A-F marking. For discussion I will assume these to be the only choices.

The pass-fail system has in its favor the notion that we ought not to be going to law school for an extended game of academic grade comparisons. Learning in the view of the proponents is never really evaluated by a grade which measures out the competence in a few limited areas of an individual course. To its detriment is the fact that we must, in fact, compete for jobs in the real world. Those of you who drive to learn about some individual area or even in all courses will compete at the same level for the same position as the marginal student who came to law school only for a job. The only way for employers to divide students will be to ask the question, "are you on law review?" The answer will

be greeted with a short interview and a very polite hand shake.

The present system is so fundamentally wrong that a series of petitions asking for an indication of preference drew no response in the column suggesting its retention. Though recent intra-school memos have in large measure clarified the meaning of our grades, and presumably eliminate the never officially approved HD, its meaning is still unclear to employers. Then too, it was and remains an ineffective tool for our own use in measuring our knowledge. "Q" in particular is the bane of our academic existence since it covers all but the near failure. Note that at least one faculty member looks at the "H" as belonging only in the domain of the Creator, with no place on his marking sheets.

A-F is not a cure. Nor is it a compromise of the other alternatives. What it is, however, is an improvement. This sort of grading system is universally recognized and thus interpretable by student, faculty, and employer. The additional components of the system will allow more exact distinctions, yet they are not so fine as numerical grades with the absolutely indefinite difference between one number and the next. This system also allows for the use of a "plus" for class performance. This additional factor would, of course, be a breach in our anonymity rule, but if the plusses were submitted before tests were graded the subjectivity should not be objectionable.

In any event, the question needs discussion. Discussion demands people at SBA meetings, and if I were you I would not depend upon someone else to talk about it. Whoever it is you have so far been depending upon has not been serving you — and that statement may well include the Directors you elected.



THE OPINION

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February 1, 1973

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New Building Note

Construction work on O'Brian Hall is progressing at a rate which should enable the Law School to have a new building in September. Some problems have cropped up, however, which should delay the move to Amherst until later in the summer than was planned. *The Opinion* presents a photo essay on the new building elsewhere in this edition.

For those students who will be here next year, we can offer these tips. Bus transportation will be available from the Main St. campus to Amherst, probably via Ridge Lea. A cafeteria will be open in the Governor's Complex (Pei Dorms) and there will be full vending service in the Law building.

Dormitory space should be available to those students who are interested in living at Amherst. For further information regarding housing, contact the University Housing Office later in the Spring.

To The Editor

Dear Sir,

Hurrah for the *Opinion* in having the fortitude to expose in your December 7 issue the high-stepping shenanigans of that noted Bostonian barrister, your playmate of the month, Professor Ken Joyce!

Yes, I too, thrilled to the tomfoolery of this Court jester — sage, when he first mounted the attack in September of 1964, when he first came to our Law School.

It is unfortunate that we practitioners do not know Ken more intimately, as the practice of law sometimes can be quite dreary. It is the Law School's good fortune, and our loss, that he has decided to stay in his chosen vocation, rather than

enter the fray of advocacy. I am recommending that the Bar Association tap Ken for some of their programs to light a fire under the stodgy members of the Bar, in order to give us once again some of the life and exuberance which makes this profession what it is.

Very Truly Yours,
David Gerald Jay

Ed. Note: I would like to point out to Mr. Jay, that the editor of The Opinion, both at the time the letter was written, and now, is a woman, and as such, scarcely deserving of the friendly greeting "Dear Sir." Suggestions as to an appropriate greeting are solicited.

ANNOUNCEMENT

With the beginning of the new semester, a number of changes have taken place within the *Opinion* Editorial Staff. Kay Latona has been selected by the Editorial Board to become the new Editor-in-Chief succeeding Rosalie Stoll. Rose will now devote her time to the PLI Bar Review Course. Kay brings experience to her new position, having served as Assistant Editor and as a member of several school committees.

Another junior, John Levi, has taken over the duties of Assistant Editor. During the fall, John was a staff photographer for the *Opinion* and spent some time acting as Managing Editor. The new Managing Editor is Peter Jasen who moves up to that position from his former job as Articles Editor.

Earl Carrel, a senior, will take on the responsibilities of Articles Editor in addition to his responsibilities as Feature Editor. Earl is a former publicity assistant with the U.B. Office of Information Services and with WNED-TV. He will now be in charge of the bulk of the written material in the *Opinion*.

The remainder of the Editorial Board remains intact as Chris Belling returns as Photography Editor and Chris Greene retains his position as Business Manager. Doug Roberts will also continue to write his Sports Huddle column.

As always, *Opinion* is looking for new blood: Freshmen and Juniors are encouraged to stop in Room 216B and join the staff. Writing and production positions are open and no experience is necessary.

Notes from Elsewhere

—Kay Latona

from VIRGINIA LAW WEEKLY, 11/3/72

Minority student recruiting efforts by UVA's Balsa has involved talking with students at colleges throughout the East. Organization members attempt to present an accurate appraisal of UVA from the minority students' viewpoint.

"Students at the larger universities have already decided to go to law school. The recruiter's job there is to negate the image of the University of Virginia as the bastion of Southern conservatism," said recruiting chairman John Scott.

from THE LAW SCHOOL JOURNAL, Stanford, 12/7/72

Women Lawyers: Facts and Myths

The Board of Visitors' Advisory Committee on the Status of Women and the Law has decided to press for improvement in two areas of concern to women lawyers and students — placement and admissions.

The Nordby Report, which spurred the creation of the Board of Visitors

Committee, was published 2 years ago and attempts to debunk many of the traditional myths about women lawyers. Ninety of 130 Stanford Law School alumnae responded to a survey by Ms. Nordby in the fall of 1970, which formed the basis of the study published a year later.

In an article to appear soon in the Stanford Lawyer, Lucy Lee, Stanford '71, explains how the report refutes some of the traditional views.

Myth: Women law graduates do not work.

Fact: 61% of the responding women are currently working full time in the legal field; 12% are working part time; 18% have previously worked.

Myth: Women law graduates change jobs frequently, often merely to be with their husbands.

Fact: 55% of the responding women have never moved; 31% have moved once or twice.

The same percentage of men and women graduates are currently working and their job turnover is about the same.

Censure of New York Lawyer Provokes Reply

The Censure of Martin Erdman: A First Amendment Question?

Recently an article written by Herald Fahringier concerning the censure of Martin Erdman, who referred to the judges of New York City in rather unconventional language, was published in the American Trial Lawyers' Magazine. The subject of that article should be of concern to every law student. We reprint it herewith, with Mr. Fahringier's permission.

On June 27, 1972, Martin Erdman, a New York City public defender, was censured for using harsh language in denouncing our courts in a private interview published in *Life* magazine. (In the Matter of the Justices of the Appellate Division, First Department v. Martin Erdman, 333 N.Y.S. 2nd 863 (3d Dept. 1972))

I am unable to view Mr. Erdman's censure as a private grievance between the state and him. Every lawyer has a stake in the controversy. For what happened to him could easily have happened to any one of us.

I fear that his unfortunate decision will have an anguishing impact upon every lawyer's willingness to speak freely on subjects of public concern. The power to censure can be used too easily as a handy implement for discouraging legitimate dissent.

Consequently, the real danger in this unwarranted court action lies not so much in the reprisal suffered by Martin Erdman, an honest and dedicated lawyer, but the fear it will undoubtedly instill in other lawyers in raising their voices against our government.

We must remember that our government is one of choice. The people are left to freely choose those who will represent them in the executive, legislative and judicial branches of our government. The validity of that choice is critically dependent upon access to all relevant information.

In selecting judicial officers, the public should know about their perfections as well as their imperfections. Consequently, criticism of public officials, as well as judicial officers, is imperative in a democracy. Judges enjoy no special immunity from such comment, particularly when the finding of fault comes from lawyers who are most aware of their shortcomings.

Although most of us would prefer that such remarks be graciously made, it is elementary that the right to criticize can never be made to depend upon its tasteful exercise.

I have always had an abiding confidence that the riggings of our judicial system and the men who man those ships of state are of sufficient stature to withstand the stress and strain of public comment, no matter how unpleasant it may be.

As lawyers, we are the caretakers of that important branch of government, and although we may take credit for its achievements, we cannot ignore its failures. Improvement can only come from

correction, and correction is inspired by criticism.

Today whole sectors of our judicial complex are under attack because of disgraceful failures. No informed person can be other than unhappy about some of the serious defects in our present-day American system of criminal justice. Martin Erdman's scalding comments in *Life* magazine directed at the faults of our judicial system were both incisive and informative.

Strong voices are needed on both sides of this controversy if the truth is to prevail. Our license to practice law should not deprive any one of us the freedom to complain about the unpardonable defects in this division of government. We who wear no man's collar cannot remain silent, for to do so is to invite shame.

When our forefathers gave to all men in this country the right to freely speak their minds, it was not expected that their speech would always be pleasing to those in places of power. This right was intended for all men, including lawyers, because our ancestors knew of no other way that free men could conduct a representative form of government.

Freedom of speech is indivisible, the state cannot deny it to one man and save it for another. Oliver Wendell Holmes said that freedom of speech does not only mean free thought for those who agree with us, but freedom for the thought that we hate. Freedom of speech must exist for all or eventually it will exist for none of us.

I do not know how many critics our system of justice needs to help keep it vital, but I do know we have never had enough. Our allegiance to our federal and state constitutions and our obligation to the people must of necessity transcend whatever reverence we owe to our judicial masters.

I cannot speak for others, but for me the choice is clear. We must not allow ourselves to be intimidated by courts who strike out at those who are fearless enough to think as they please and say what they think. This trend must be halted or our profession will lose much of its independence and dignity. If we give in to the courts here, there will be no end to what other rights may be taken from us.

We must carry on the heritage of our profession best exemplified by men like Thomas More, Lord Erskin, James Otis, Clarence Darrow, and a multitude of others who have walked the mountain ranges of our profession and who have dared to speak out against government without regard for their own personal safety.

If we allow ourselves to be reduced to a thoroughly orthodox, time-serving, government-fearing bar, we will have been humiliated and degraded, and more importantly, we will have lost much of our usefulness to a free society.

Martin Erdman may well end up another casualty in man's historic struggle for human rights. But in the eyes of this lawyer, he may take comfort in the immortal lines of another exile: "... and of them seemed he who triumphs, not he who loses." (*Inferno*, XV, 121-124).

MISSING BOOKS

Any person under deadline for a paper who has ever searched in vain for a case will understand the problems currently facing our library.

The case stealers are innovative, and insidious. Generally, not only is the official volume missing, but often the unofficial reporter as well. Whole volumes of *Shepherds* are sometimes nowhere to be found for days at a time. A favorite trick of the book-nappers is to take the updating pocket part or the advance sheet — forever.

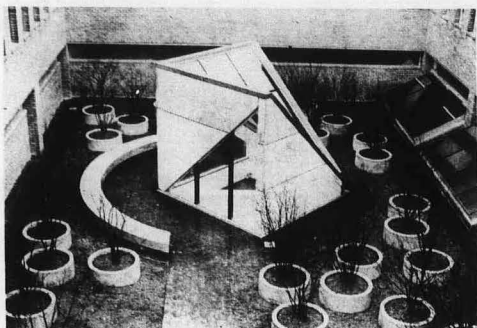
It is an extremely unfortunate situation when persons who will in just a few short years be placed in positions of trust, are unable to maintain even a modest standard of trustworthiness in their dealings with their friends. —

Women & Minority Faculty Appointments

"Non-success so far is not for lack of trying," says Professor Herman Schwartz, new Chairperson of the Appointments Committee, which recommends prospective faculty for appointment.

One offer to a woman has been turned down by her, one is outstanding presently, and one is in the offing, awaiting faculty approval. The outstanding offer is to Carol Brooks, currently clerking for the U.S. Supreme Court.

Competition among the law schools for minority hiring is "fierce," according to Professor Schwartz. There have been other problems, as well, among them the malfunctioning liaison between the Committee and the Minority Hiring Sub-Committee. Changes there have been attempted, with some success: two candidates have been presented so far, and will be interviewed soon. Schwartz points out that as more blacks graduate from law schools, the present tight market may ease somewhat.

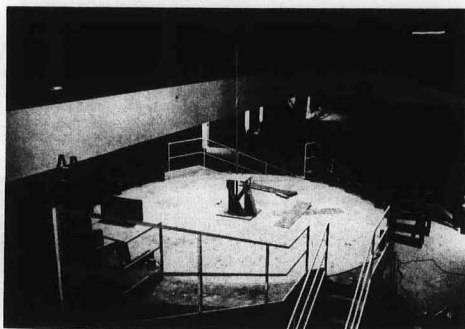


Courtyard on level of the building. Note sculpture skylight in center.

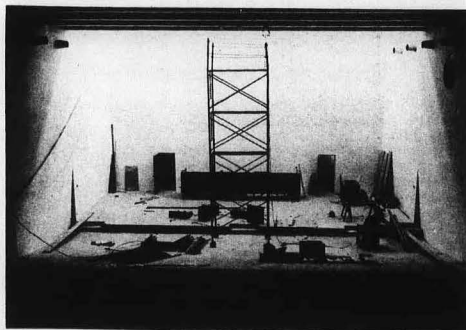


The skylight (from below)

JOHN LORD

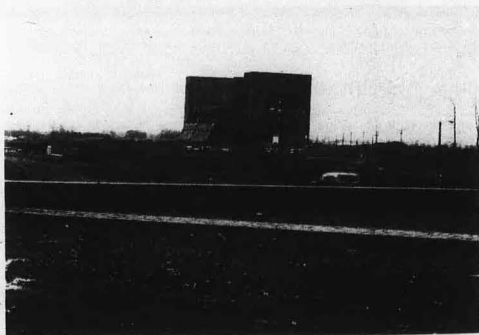


Part of the library, lighted by the skylight



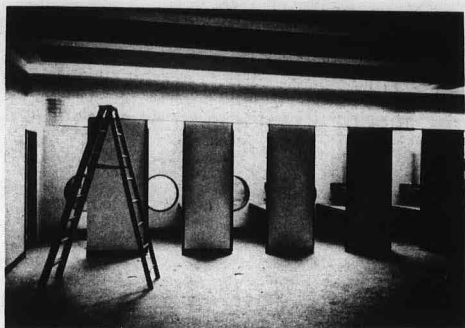
Moot Court Room (those are standard size doors in the distance).

Law building, view from dormitory complex

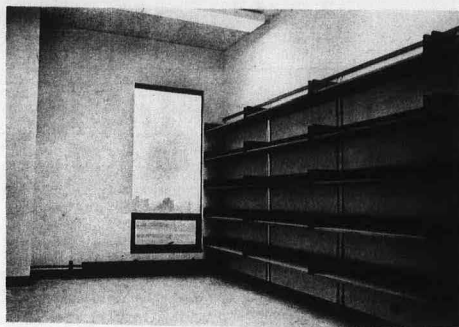


View from the roof of law building



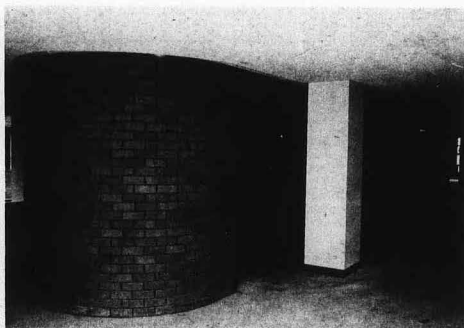


Study carrels, round windows are rotating polarizers

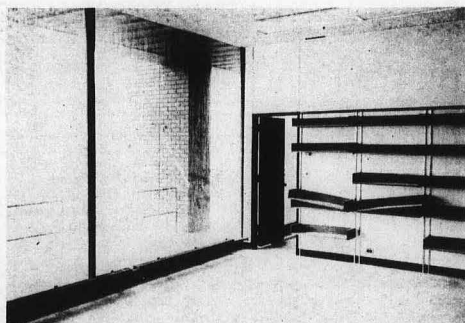


Faculty Office ----there are 78 of these

Elevator complex



Administrative Office (door at center leads to secretary's office)



Terrace outside administative offices



Kitchenette near administrative offices



Photos by Belling

O'BRIAN HALL

Food for Body Soul

Beaux Arts Trio Delights Audience

Last Wednesday, January 17, saw the third in a series of chamber music concerts at the Mary Seton Room of Kleinhans Music Hall, sponsored by the Buffalo Chamber Music Society. The Beaux Arts Trio, of New York City, performed works by Mozart, Ravel, and Schubert before an enthusiastic crowd containing too few law students.

Unlike other trios, better known through their recordings, the Beaux Arts Trio relies on strong performances to make a name for itself. Each member of the trio is a virtuoso in his own right; together, they provide not only individual excellence but the kind of fluid community without which chamber music becomes raucous competition.

Menahem Pressler, pianist extraordinaire, filled the crowd with delight, with both his marvelous artistry and his whimsical technique. The violin, Isidore Cohen, displayed talents usually seen in Buffalo only when a guest violinist solos with the Philharmonic. And Bernard Greenhouse played his cello with sonority and sensitivity, letting the cello naturally blend and cavort with the others without competing for prominence and volume.

The program featured Schubert's Trio in E-flat major, Op. 100, a work typical of Schubert in that it fills the listener with premonitions of tragic depth, yet retains a sense of lightness, recognizing but refusing to wallow in the turgid depths of tragic emotion. Ravel's Trio in A minor, an interesting piece excellently performed, was perhaps the most enjoyable part of the evening, as the Trio enthusiastically rendered this surprising work. The program was well received by the audience, and indeed it was one of the most consistently excellent concerts of the year, according to one aficionado.

The next concert on the Society's schedule features the Tokyo String Quartet, coming February 13. Tickets are \$1.50 for students, \$4.00 for human beings, available at the door. Further information can be obtained from Mrs. Una Leeming, 883-6004. What we have here is another example of Buffalo's ability to triumph over its environment; the Chamber Music Society can't salvage that fading tan, but it can give the mind a most pleasant vacation from the toils of the law and the oppression of the city.

Will There Be Peace In Vietnam?

by Hugh Manke

Taps seems more appropriate than skyrockets. The U.S. has finally found an exit from Vietnam for its troops, but the stage is set for the third Indo-Chinese war.

The agreement finally reached in Paris is basically military, quite unlike the incomplete agreement revealed last October. That inchoate settlement called for the imposition of changes on the central government in Saigon and a new status for the Provisional Revolutionary Government of the NLF and the "third force" neutralists. It seemed as if the parties in Paris were working toward a coalition government.

When negotiations began in 1968, the North Vietnamese and the NLF sought to tie the political issues into a military agreement with the U.S. They wanted the U.S., in effect, to legitimize the revolutionary force as a viable political entity in the South and, in effect, to pull the rug of international recognition out from under President Nguyen Van Thieu.

The U.S. on the other hand, was not as anxious for a settlement as the opposition felt and refused to meet the political demands. First Dean Rusk and later Richard Nixon argued that recognition of the PRG as a legitimate alternative to President Thieu would encourage insurgencies throughout the developing world.

The "peace-at-hand" talk last fall reflected a major U.S. concession to the PRG and a deviation from U.S. foreign policy. But the present agreement is firmly in line with that

long-term policy. As a matter of fact, President Nixon has slapped the PRG/NLF in the face by stating the present government in Saigon is the sole legitimate sovereign in South Vietnam. President Thieu is now in a position to claim greater international respect and recognition than ever before. When hostilities begin anew, Thieu will be in a better position to request international support than he has been able to in the past.

All along, President Nixon has sought to give President Thieu "a fair chance" to defeat the revolutionary forces in South Vietnam rather than to push South Vietnam toward a government that would reflect the real political situation. The present agreement reflects that "fair chance" notion. It does not seem to be a serious attempt to establish "lasting peace" in Vietnam.

Reconciliation between the PRG/NLF and President Thieu seems impossible. There are about 145,000 conventional troops and para-military cadre working for the NLF in South Vietnam and 65,000 political agents, at least 20,000 of whom are inside the Saigon Government's bureaucracy, according to CIA estimates.

The reason the U.S. never attained victory in Vietnam is that it was fighting a society, not just an army. South Vietnam is a revolutionary society and a struggle that has been going on for 30 years cannot be stopped by an agreement arranging for a foreign military withdrawal.

bureaucracies

Seventh floor please:

And she's going to be in a piano recital next week.
Oh, that's very nice.
How long has she been taking . . .

Thanx

(stamp, stamp. . .)
Line 7

. . . Excuse me, excuse me . . .

Right down the hall, sir
Room 714

No, sorry,
I don't smoke.

You gotta match

11, 12, 13, 15?
14!

Well, I took the letter. . .
No, I'm sorry, sir,
You'll have to go down
to the first line. . .

Let's see. . .

All payments — no

Returns — no

Yes, I wonder if you. . .

Line 3, sir.

Yes, I just. . .

Thank you

Look, if you don't behave,
I'll have to tell your father

Old form please. . .
Stub. . .
(stamp, stamp)
Line 2 please —
Next

No, sir! no, sir!

You'll have to go
downstairs with this.

Excuse me,
Excuse me. . .

Hey, am I in the right line?

Line 2, line 2 — line 2?
There isn't any line 2!
What the —

I don't know;

I just asked that lady —

Charlie said we might go
to visit his mother this. . .

Excuse me, but I want to pay. . .
Line 3, next

Yes, I'm. . .

Read line 11

Line 3?
But I was already in. . .
I can't believe it.

Stub, please

Excuse me, sir
Do you have a cigarette?

Sports Huddle

by Douglas C. Roberts

The Original Celtics, the Washington Capitols, the Syracuse Nationals, the Boston Celtics. To this luminous list of basketball superteams add one more name — the Shysters.

The Shyster success formula simply stated is this: Enter a league with little boys not yet old enough to shave, add to this a few intimidating behemoths with cretin or less intelligence to keep the referees in line, mix this up with an overstuffed player-coach and the result is certain — SUCCESS.

Relying on this carefully thought out formula, Shyster coach Boom Boom Solomon has molded this well-oiled aggregate from a bunch of overaged children who still have not yet given up the hope, however slim, of catching on with the Philadelphia '76ers. Regardless of their reasons for pursuing a Shyster career, each squad member has sacrificed his personal dreams and ambitions and given his heart, body, and soul to Coach Solomon. Boom Boom, however, allowed his players to retain their minds, since none of the gentlemen had used them up to his point in their law school careers and Solomon wisely reasoned that terminal atrophy had set in, negating their functional use to the team.

In building a successful basketball team from the ground up, all coaches agree that the one essential ingredient upon which the foundation must be forged is the presence of a big man in the middle. He must be imposing, intimidating, insidious, indignant, and invertebrate. Coach Solomon was unfortunate enough to find just such a man in Stretch McDivitt. What can you say about Stretch that hasn't already been said? NOTHING.

Second only to the center in importance is a high scoring, free wheeling point procurer. Once again the Shysters have this in Fast Eddie McCuen. Around the circuit, they say that Fast Eddie has more moves than Allied Van Lines. McCuen's prodigious scoring has enabled the team's other gunner, mop-haired Smooth Roberts to concentrate on his other incendiary talents, most notably referee baiting.

The unobtrusive man in the corner named Ivan Mullan is the team's stabilizing influence. Coach

Solomon can always rely on Ivan to get the key rebound or make the winning basket in a tight situation.

Rounding out the Shyster starting five is that diminutive dynamo known to his close friends and distant relatives as Superfly Pilato. When he's not busy drawing technical fouls, Superfly can be seen dropping bombs from the outer extremities of the basketball court.

No team can play top-flight basketball without a top-flight bench. Once again, the Shysters have been accorded this blessing. The number one guard is that ever-smiling, high-flying bundle of kinetic energy named "One-Toke" Portnoy. Since taking up smoking, Portnoy has reached career highs in all his endeavors.

Sitting next to Coach Solomon on the bench is Guido Olivieri. Guido would be seeing more playing time if it were not for the fact that a communication problem exists between Olivieri and the rest of the squad members. Since disembarking from the boat 10 years ago, Guido has made great strides in learning the language of his adopted country. Unfortunately, however, his English class has covered only the nouns, verbs (both transitive and intransitive), and prepositions. Without a knowledge of personal pronouns, Guido has been stopped from asking Coach Solomon to let him enter the game.

The third replacement is the squad's only freshman member. He goes by the name of Cheech Letro but there is a rumor going about that his real first name has something to do with a talking mule. Regardless, Cheech plays the game hard. One of the Shyster cheerleaders was heard to remark in regards to Letro's style, "He's got what it takes and he knows how to use it."

To get the answer to the Shyster's undefeated record, Coach Solomon was asked to explain the primary reason for the team's success. Solomon quickly responded that it was not his coaching genius that made the Shysters so awesome. Instead, he dutifully cited the Admissions Office for enabling him to assemble this powerhouse. Boom Boom pointed out that the median law board scores for squad members was 337, while the median grade point average was 1.52. Res ipsa loquitor.

INTERVIEW: DANNYE HOLLEY

The *Opinion* interviewed Assistant Professor Danye Holley in his office on January 26. This segment covers Professor Holley's views on the Minority Student Program; in the next issue, we will reprint Mr. Holley's remarks on teaching and students.

Danye Holley received his J.D. from Buffalo Law School in 1970; he received an LL.M. from the University of California at Berkeley in 1971. In his second year on the faculty, he teaches Criminal Law, Conflicts, and a seminar in Education Law. He chairs the Minority Student Program Committee.

—John Levi

BACKGROUND

Holley: The major part of my educational background has been spent in Buffalo. I attended grammar school, junior high



school, Hutchinson Technical High School, undergraduate school at SUNY at Buffalo, and law school at the SUNY/B Law School. The one year of my education that was spent outside the Western New York area was at the University of California at Berkeley School of Law in their Master's program.

The Opinion: What were you preparing for when you went to Hutch?

H: Engineering, college preparatory.

O: And when did you decide to get into law?

H: Even when I went to Hutch, I had always planned to go to Law School. One of the major reasons I went to Hutch was that at the time it was supposed to be a better quality of school than the average academic high school in Buffalo.

O: What led you from wanting to be a lawyer into wanting to teach law?

H: By my senior year in law school I had decided that I didn't want to go into a traditional law firm and practice. My options then were to go into some type of legal aid society or perhaps into a public interest law firm, or to go on and get my master's degree. And at that time I had been talking to people about taking a couple of administrative positions: as an example, national director of the Law Students Civil Rights Research Council. I finally decided to go ahead and get my master's out in California principally because I was interested in continuing the work I had started at the law school with the minority student

program. I and some other students in my junior and senior years had worked with the administration and faculty here to increase the enrollment of minority students by about five or six hundred percent. The program was just getting off the ground and I felt, when I was making a decision about what to do, that I was more interested in continuing to work with that program than I was in taking any administrative position outside the law school. I became interested while at Berkeley in a number of subject matter areas that I am still working on as a law teacher.

MINORITY STUDENT PROGRAM

O: What kind of success have you had with the minority student program in terms of helping people with an underprivileged educational background to be able to make it through the law school?

H: I think that our success, if any at all, is qualified. Because the program is still in its infancy and this law school, like any other law school, is still struggling with the problem of how to ensure that they provide enough academic assistance so that students who do come from an educational background which indicates that they will have an initial competitive disadvantage, will be able to get through law school successfully.

We have made several starts at developing a program of additional academic assistance, but we have yet to settle on a complete format for a program which we feel will actually provide such aid.

THE SUMMER PROGRAM

The academic component to the program has really taken the format of being a summer program prior to the entrance of students in the fall of their freshman year. What we've done is to try to eliminate as much as possible the initial shock of the first year by having people attend the summer program. The summer program at first involved offering a course that is offered traditionally in the first semester of the first year of law school, torts, but we're changing it this summer to contracts. The second course that we began to offer last year was a course on legal methods.

It was designed last summer to make people as aware as possible of the type of deductive and inductive thinking skills they would have to generally indicate in the first year courses.

EMPHASIZES WRITTEN WORK

O: In these courses, is there any kind of emphasis on product — getting the student to turn in papers?

H: There was a general agreement that writing technique was something that should be heavily emphasized in the summer program.

There was a general agreement that developing the ability of students to demonstrate in writing the legal skills they were in the process of acquiring should be a primary goal in the summer

program. Professor Hyman, who has taught the Torts course in the last two summers, required the students to write much more extensively than time would permit in a regular size Torts class. What I did last summer in the Methods course was to have people submit a series of papers, starting with a case brief and eventually moving to the production of a synthesis of the cases and materials we covered. We spent much of our time discussing and evaluating the product of individual and group efforts to develop such syntheses. The concluding research project involves students writing different forms of legal papers — a memorandum of law, inter-office memo and a letter that would be sent to the client in a hypothetical case.

O: How was this followed up in the law school curriculum?

H: The benefits from the program are supposed to be principally two-fold. First, people become familiar with the teaching technique and what they are going to be required to do in terms of performance on exams prior to their entrance into what amounts to competition with the students who are admitted on the regular admit criteria.

Second, for those students who pass the required course, this reduces the course load in the first semester, the semester in which the minority students have had the most difficulty. The third benefit is an alternative to the second. A student who passes the required courses in the summer is eligible to enroll in Professor Fleming's Remedies course in the Fall, which should provide him with a greater overall perspective of the operation of the law. Now, whether this package is enough to compensate for a given level of initial academic disadvantage attributable to educational background is a question that we don't have enough data to answer yet. Undoubtedly, we will continue to have difficulty in insulating the impact of the summer program, apart from such factors as improvement in the accuracy of the admissions criteria which in turn would produce students with a greater academic potential. This interrelationship highlights the complexity of trying to devise a program of additional academic assistance for minority students. Some of the minority students simply prove not to need any form of additional assistance, and we are somewhat hopeful that our admissions criteria will be able to select a higher proportion of such students in the future. Other

minority students might need some form of assistance but their problem of academic adjustment may be of the same type and kind, albeit of a greater magnitude than that faced by all first year law students. Others, however, do have unique problems on adjusting to the academic requirements and environment of law school. The goal of the academic component of the minority program is to become sufficiently sophisticated to cope with these complexities.

ADMISSION CRITERIA

Another thing that the minority student program worked on last year was developing criteria for admission of minority students which would satisfactorily measure people who would be able to do competently in law school without relying on the traditional criteria employed for law school admissions, namely grade-point average and LSAT score. Rather than simply rely on those two factors — especially since the consensus of the committee was that the LSAT does have a great deal of cultural bias in it in terms of the kinds of questions it asks and the type of background that the drafters of those questions have in mind, the expectation about the students' background that he brings to the taking of that test, so that we don't want to rely on the LSAT as heavily as has been done in the past, but we still want to get some kind of accurate criteria for measuring whether a person will be able to perform in law school — we started to look at the past performance records of minority students who have already gone through this school (there weren't many cases), and we tried to find out from other schools exactly what they had discovered in terms of background factors which seemed to be significant as a gauge to whether a student would do well in law school.

EXAMINES UNDERGRADUATE PERFORMANCE

We looked at grade-point average again, found there was some correlation with those students who performed comparatively well as undergraduates and those who performed well in law school. So we decided to continue to use that as a significant portion of the evaluation scheme. And we looked further at the undergraduate academic performance. The thing that we found most significant in terms of academic performance was the degree to which the student had improved his grade-point average in undergraduate school, started out rather poorly, but eventually started to catch on — you could call it the "catching on" factor: in their third and fourth years, their academic averages were much improved. And in looking at the records and then looking at the law school performance, we saw that those kinds of people were the people who seemed to be able to make the academic adjustment to law school most quickly. And so we started to rely more heavily on measuring that kind of improvement than simply on taking the overall grade-point average as the only factor.

O: And you don't see this kind of correlation in the LSAT scores — you don't see that the students who "caught on" are scoring higher on the LSAT than those students who didn't?

H: We didn't see any kind of uniform pattern of people who have caught on performing better on the LSAT, no. We did find, though, that the LSAT certainly is a good measurement for minority students as well as regular

students in that a person who scores quite high on it will do quite well in law school. But that doesn't mean that people who do not score well on it will not perform competently in law school or cannot do the work in law school, and that's what we're really concerned with — finding out about measurements which tell us whether people will be able to perform in law school.

O: It's been my impression that the LSAT is testing the student's ability to think in a lawyer-like fashion, if I may be very general. I wonder if you have been able to formulate any similar kind of test that would give you valuable results among minority students.

H: No. We've only begun to try to do something like that. What we did first of all, and what we're doing this year, is simply to have people write a very general essay about anything they choose, and then just in terms of basic English skills, to have them evaluated to see if people have the kind of communicative skills that may be necessary. Because when you say think like a lawyer, you also necessarily mean the ability to articulate that kind of thinking on paper. We thought that there is a range of skills necessary to do that, including basic communicative skills. So what we started out doing is simply concentrating on that, on obtaining an indication of whether people have those kinds of skills. The next step is whether people can demonstrate the analytic ability to read and then understand what the cases have said, and to put those cases together in a format which can then be applied to a new fact situation. We haven't come close to arriving at a distinctive test that's going to eliminate the cultural bias in the LSAT.

BIAS IN THE LSAT

I think that there are two basic areas of cultural bias in the LSAT that people talk about. One: in terms of the things that we're now talking about, the kinds of questions that test thought processes, I think that the bias there lies in the settings of the questions that they ask you to respond to to demonstrate the thought processes.

O: Aren't these settings also in terms of the culture in which most lawyers will find themselves, in terms of a quasi-business setting?

H: Yes, they are in terms of commercial or economic settings, but the problem is that that's not the nature of the cultural bias that I think people are talking about. It's one thing to say that after three years you may be asked to perform in this kind of setting, and to demonstrate the skills in this kind of setting, but it's another thing to say that we're going to screen you out because you haven't come from this kind of background. Therein lies the bias.

WHAT IS A MINORITY STUDENT?

O: What are the criteria for a student to qualify for consideration as a minority student?

continued on page 8

BULLETIN BOARD

Thomas F. Pettigrew, professor of social psychology at Harvard University, will be one of the keynote speakers at an all day conference on "Institutional Racism," Wednesday, February 7, at the State University at Buffalo.

Sponsored jointly by the U.B. Student Association and the Committee for Formation of an Institute on Race Relations, the conference also features an address by Charles Billings, professor of politics at New York University.

DROP & ADD

Beginning last Monday, January 29, students must have written permission of the instructor and Dean Mix to add a course. Deadline date for dropping a course will be posted.

Fee waivers are due no later than the 15th day after the first day of classes at Shirley's office, Tuesday, February 6th.

International Law Club meets today at 1 p.m. in Room 108, 77 West Eagle.

Photographers

The Opinion is looking for work done by law student and faculty photographers for a special photo issue. If you have any work which you would like to have considered for this special issue, please contact Chris Belling in Room 216B or evenings at 631-5243. Do it soon.

student and faculty photographers for a special photo

Freshman Photographers

The Opinion can use more people for our photo staff. There are some fringe benefits and we need your help especially to insure continuity in our work in the future. Contact Chris Belling.

Classified Ad

Saturday Business Invitees to the Blacksmith Shop, 1975 Delaware, by witnessing specific performance of jazz will prevent my dismissal. Mr. Savino.

DISTINGUISHED VISITORS FORUM

The Distinguished Visitors Forum offers an all-star cast of guest speakers and lecturers for the new semester. Highlights:

February 8: Judge/Professor Jack Weinstein, controversial Long Island jurist;

February 22: Professor Builder from the University of Wisconsin School of Law, giving the Mitchell Lecture of the Icelandic fishery case.

Coming Attractions: Buffalo City Court Judge Kalsner on pornography; and a member of the local bar to speak on no-fault insurance.

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Announcement

The Opinion plans to do a series of articles on tenure. Questions and Comments are solicited from students and faculty.

The last regular issue of *The Opinion* was misnumbered 9. It should have been numbered 5. (Dec. 7, 1972.)

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ALUMNI LINE

by Earl Carrel

Nicholas D. Grisanti, '20 of Buffalo died November 8, 1972.

* * *

Samuel C. Battaglia, '27, Estate Tax Attorney in Buffalo for the New York State Tax Commission died November 22, 1972.

* * *

Marvin M. Simon, '27, of Gowanda, New York, died November 29, 1972.

* * *

Maurice Frey, '28, retired Conciliation Commissioner for the Eighth Judicial District and Adjunct Professor of Law was honored at a testimonial luncheon by the Erie Bar Association on January 9, 1973.

* * *

Joseph G. Burns, '35, of the Town of Tonawanda, died January 10, 1973.

* * *

Everett M. Barlow, '35, is the chairman of the NYSBA Finance Committee.

* * *

Albert R. Mugel, '41, a partner in the firm of Jaekle, Fleishmann and Mugel and an Adjunct Professor of Law has been elected to the Board of Directors of the Liberty National Bank and Trust Company.

* * *

Joseph J. Lococo, '45, of Buffalo, died November 10, 1972 after a long illness.

* * *

Morris Mesch, '50 and Peter Honig, '61, have been elected Fellows of the American Academy of Matrimonial Lawyers.

* * *

Ralph L. Halpern, '53, is the Chairman of the NYSBA Committee on Professional Ethics.

* * *

Hon. Joseph S. Mattina, '56, Erie County Court Judge, will teach a course on sentencing to Superior Court Judges of the National College of the State Judiciary at the University of Nevada in Reno, July 18 - August 14, 1973.

* * *

Roger V. Barth, '63 of Bethesda, Maryland, has been appointed one of the two Deputy Chief Counsels for the Internal Revenue Service. Mr. Barth, spent six years with the Buffalo firm of Hodgson, Russ, Woods, Andrews, and Goodyear before his appointment as Assistant to the Commissioner of the IRS in 1969.

* * *

Robert P. Fine, '68, associated with the Buffalo firm of Williams, Stevens, McCarville and Frizzel has been appointed Counsel to the Erie County Charter Revision Committee.

* * *

Dennis L. Repka, '69, of Cheektowaga, has been appointed a Junior Assistant to the Erie County District Attorney.

* * *

Mark Farrell, '72 will enter the Air Force in the Spring as a Captain in the Judge Advocate General's Corps.

* * *

The Law Alumni Association had their annual luncheon in conjunction with the NYSBA Convention in New York City on January 26, 1973. Guest speaker was former State Supreme Court Justice William B. Lawless. Mr. Lawless, now practicing in New York, is a former Buffalo Corporation Counsel, former president of the Buffalo Common Council and former Dean of the Notre Dame Law School.

CRYPTOGRAM

by "Kryptos"

In this space each issue a short cryptogram will be presented. The code employed is diabolically simple, but one that can be "cracked" by almost anyone. Punctuation, numerals and letter-groupings are unaffected by the code.

No. 1 [key: blue fox]

Nnph, godul kedheerjgi siutyoxen rna fvhghf kt Cwhahf. Rnq ljceky ka Noduebuy nqisnv kts rnb

The answer will be given next week. If you think you have "cracked" the code send your solution to *The Opinion* and your name will be listed.

Interview with Holley . . .

In two parts.
To be continued next issue.

continued from page 7.

H: First of all the Minority Student definition has never been spelled out by any kind of policy document by the law school. Traditionally the State University has translated it into "educationally and economically disadvantaged," which cuts across ethnic types of definitions and really talks in terms of economics and education. However, and I think this is clear, there is a presumption that goes with coming from particular ethnic minorities, that you do fit within that class of people who have been economically and educationally disadvantaged. And the presumption is really one that goes to the question of

educational disadvantage, given the type of background that most Puerto Ricans and most Blacks come from in the educational system in the U.S. There isn't a question when someone indicates that he is from that minority group that he didn't suffer considerable educational disadvantage. Now as to whether or not people outside those ethnic groups can qualify in the State University definition, the answer, of course, is yes. And if the law school, in adopting its final policy, chooses to say that we're going to go with what the State University's normal definition is for educationally and economically disadvantaged, then it would be possible for an Appalachian White to be admitted into the program.

Of course a decision to include for admissions purposes, educationally and economically disadvantaged whites within the definitions of minority students would be contrary to the entire goal of the minority student program. That goal is to admit, graduate, and have admitted to the bar a significant number of students who are members of those racial and ethnic minorities who are presently grossly under-represented in the legal profession. This semester, the Minority Student Program Committee will be working to develop a policy statement that will define "minority student" for the variety of purposes that it might be employed in the Law School.